


Application Number 	Application/Control No. 10/570,904	Applicant(s)/Patent under Reexamination TAKESHIMA ET AL.	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : September 16, 2008	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/570,904

Confirmation No. 1646

Applicant: Takeshima et al.

Filed: June 6, 2006

TC/AU: 1652

Examiner: Yong D. Pak

Docket No.: 251134 (Client Reference No. 20060G/US)

Customer No.: 23460

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Assignee, Toyo Boseki Kabushiki Kaisha, is the owner of 100 percent interest in the above-identified application (hereinafter "the present application").

Pursuant to 37 CFR 3.73(b), the assignment of the present application from the inventors, or chain of title from the inventors, to the Assignee was recorded in the Patent and Trademark Office at Reel 019195, Frame 0061, on April 23, 2007.

Also, pursuant to 37 CFR 3.73(b), the undersigned has reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and, to the best of the undersigned's knowledge and belief, certifies that title is in the Assignee.

Assignee, through its attorneys and agents, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application that would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of any U.S. patent granted on pending Application No. 10/445,789, filed on May 27, 2003, (hereinafter "the second patent"), as shortened by any terminal disclaimer filed prior to the grant of the second patent. Assignee, through its attorneys and agents, further agrees that any patent granted on the present application shall be enforceable only for and during such period that its legal title is the same as the legal title to the second patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

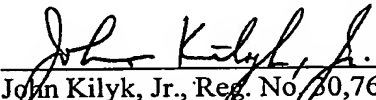
In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term of the second patent as defined in 35 USC 154 to 156 and 173 in the event the second patent terminates prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent. Examples of such non-applicable termination of the patent granted on the second patent are as follows: (1) second patent expires for failure to pay a maintenance fee, (2) second patent is held unenforceable, (3) second patent is found invalid by a court of competent jurisdiction, (4) second patent is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) second patent has all claims canceled by a reexamination certificate or reissuance, and (6) second patent is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Assignee reserves the right to extend the term of any patent granted on the present application for a period of delay, in the event the delay is defined by statute and/or regulation as allowing, or providing for, an extension of term. This right is reserved in the event the second patent terminates, or does not terminate, prior to the expiration of its full statutory term. Examples of such a delay include regulatory delay, and delay due to appellate review.

The undersigned is empowered to act on behalf of the Assignee.

The Commissioner is hereby authorized to charge to Deposit Account 12-1216 the fee of \$130.00 set forth in 37 CFR 1.20(d). A duplicate copy of this document is enclosed for that purpose (unless submitted via EFS-Web).

Respectfully submitted,


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Date: September 16, 2008

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	<input type="text" value="25-Sep-08"/>	APPL. S. N:	<input type="text" value="10570904"/>
To Examiner:	<input type="text" value="PAK, YONG"/>	Art Unit	<input type="text" value="1652"/>
From	<input type="text" value="Roberts, Felicia"/> PARALEGAL SPCEIALIST	Return This Memo To: Case Drop-Off Location	<input type="text" value="REMSEN"/>

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of has not been submitted nor is there any authorization in the application file for the use of a deposit account
 - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
 - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
 - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
 - ☐ The person who signed the T.D.:
 - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
 - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
 - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
 - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
 - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
 - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
 - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
 - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
 - ☐ Other:
 - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: _____ Date: _____

Log Date: _____